IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO.1974 OF 2005

Shri.Pandit Jaywant Satav ..Petitioner

Vs.

State of Maharashtra and Anr. ..Respondents

....

Mr.S.B.Deshmukh with Mrs.Vinita V.Bakre-Shastry for Petitioner
Mr.A.H.Palekar AGP for Respondent Nos.1 and 2.

....

CORAM : B.H.MARLAPALLE,J.

DATE : MARCH 30,2005

P.C.:

1. Heard the learned counsel for the Petitioner and Mr.A.H.Palekar, AGP, for the respondents.

2. Having considered the rival arguments and the impugned orders dated 28.1.2005 and 15.3.2005 passed by the Respondent No.2, this petition can be disposed of by remanding the proceedings to be decided by the Tahsildar afresh. Admittedly, out of the amount of Rs.51,200/- as sought to be recovered by the order dated 28.1.2005, he has already remitted an amount of Rs.41,200/- on or about 17.1.2005 and 5.2.2005. The Petitioner is thus in arrears of Rs.10,000/-. The main grievance in this petition is that the impugned orders are passed without hearing the Petitioner and

thus in violation of principles of natural justice.

3. The learned A.G.P. states that if the Petitioner is directed to appear on a given date before the Tahsildar, he could be heard afresh and the proceedings could be decided within a fixed period thereafter.

4. The impugned orders are therefore, quashed and set aside and the Tahsildar is directed to hear the Petitioner afresh and pass a fresh order under Section 48(7) of the Maharashtra Land Revenue Code, 1966 within a period of two weeks from the date of his appearance. The Petitioner to appear before the Tahsildar on 5.4.2005 at 11.00 a.m. All other contentions of the Petitioner are kept open.

[B.H.MARLAPALLE,J.]